

Penal Code section 1170.8: Provides additional punishment for robbery or assault of persons within a place of worship or building owned and occupied by a religious educational institution or for intentionally burning or attempting to burn such places.

Penal Code section 1170.85: Provides for aggravated circumstances and additional punishment for felonies in which the victim of the offense is particularly vulnerable or unable to defend himself/herself due to age or disability.

Penal Code section 11410: Provides that the advocacy of unlawful violence, where death or great bodily harm is possible, is conduct not protected by the California Constitution.

Penal Code section 11411: Provides it is a crime to cause a person to fear for their safety by burning a cross. It also provides it is a crime to place on the private property of another or on the property of primary, junior or high schools any symbol, including Nazi swastikas, which causes a person to fear for their safety.

Penal Code section 11412: Provides it is a felony to attempt to discourage religious activities by threats of violence.

Penal Code section 11413: Provides it is a felony to use a bomb or arson to cause a person to fear for his/her personal safety in places of worship or on any private property if the property was targeted because of the race, color, religion, ancestry, national origin, disability, gender or sexual orientation of the occupant or owner.



State of California
Department of Fair Employment and Housing
2014 T Street, Suite 210
Sacramento, CA 95814

Your Right to Freedom from Violence

The *Ralph Civil Rights Act* (California Civil Code section 51.7) forbids acts of violence or threats of violence because of a person's race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

The *Bane Civil Rights Act* (California Civil Code section 52.1) forbids anyone from interfering by force or by threat of violence with a person's federal or state constitutional or statutory rights.

The acts forbidden by these civil laws may also be criminal acts and can expose violators to criminal penalties. A list of related criminal statutes is provided in this pamphlet.

What types of acts are forbidden by law?

The following types of acts are prohibited by law:

- ◇ Threats, verbal or written
- ◇ Physical assault or attempted assault
- ◇ Graffiti
- ◇ Vandalism or property damage

How do these laws help?

These laws provide civil remedies for persons who have been victims of acts of violence or threats of violence because of race, color, religion, ancestry, national origin, age, disability, sex, sexual orientation, political affiliation or position in a labor dispute.

Civil remedies available under the *Ralph* and *Bane Civil Rights Acts* include:

- ◇ **RESTRAINING ORDERS:** After a restraining order is obtained from a court, persons upon whom it is served can be fined or jailed.

**For more information,
contact the Department
toll free at:
(800) 884-1684**

**Sacramento area & out-of-state
(916) 227-0551**

**TTY Number
(800) 700-2320**

**or visit our website at:
www.dfeh.ca.gov**

**This publication can be made available
in Braille, large print, computer disc,
and tape cassette.**

- ◇ **ACTUAL DAMAGES:** These damages include the cost of medical treatment, lost wages, property repair or payment for emotional suffering and distress.
- ◇ **PUNITIVE DAMAGES:** A court can order additional damages to punish the wrongdoer.
- ◇ **CIVIL PENALTIES:** A court or the Fair Employment and Housing Commission may order a fine up to \$25,000, which would be awarded to the victim.
- ◇ **ATTORNEY FEES:** A court may order payment of attorney's fees to the victim resulting from the lawsuit.

What steps can be taken to exercise the rights provided by these laws?

1. Use this pamphlet. Show it to attorneys, police or governmental agencies when you contact them about the problem.
 2. Report any violent threat or act to the police. Be sure to explain the connection between the violent threat or act and the protected class, e.g. race, sex, age, disability or sexual orientation, etc. Remember that this connection can also be based on an individual's protected status or that of groups with which the individual is associated.
 3. In situations where the assailant is unknown and local law enforcement will not investigate, contact the California Attorney General at (800) 952-5225 or TTY (800) 952-5548.
 4. In situations where the assailant is known, a complaint may be filed in court or with a governmental agency.
- ◇ **A private lawsuit can be filed under California Civil Code section 52 to enforce the Ralph or Bane Civil Rights Acts.** Remedies may include actual damages, attorney fees, punitive damages and civil penalties up to \$25,000. The court may also issue a restraining order.
 - ◇ A lawsuit must be filed within one to three years of the act or threat of violence. It is suggested that contact be made with an attorney prior to initiating a lawsuit.

- ◇ **A complaint can be filed with the California Department of Fair Employment and Housing.** An attorney is not required and there is no fee for the Department's service. Administrative remedies may include out-of-pocket losses, emotional distress damages up to \$150,000 and civil penalties up to \$25,000. The Department can also ask for a restraining order.
- ◇ The complaint must be filed **within one year** from the date the victim of the act or threat of violence becomes aware of the perpetrator(s) identity, **but in no case more than three years from the date of harm.**
- ◇ **Assistance can also be provided by a District Attorney, a city attorney or by the California Attorney General.** Any of these officials can file a lawsuit or ask a court for a restraining order.

What criminal laws are broken by violence or threats of violence?

The following is a list of laws in the *California Penal Code* by which violators may be prosecuted:

- Penal Code section 190.2(a)(16):** Provides a death penalty or imprisonment for life without possibility of parole for murder because of the victim's race, color, religion, nationality or national origin.
- Penal Code section 302:** Provides it is a misdemeanor to willfully disturb a group of people gathered to worship. (Penalty: imprisonment in county jail for up to one year or a fine up to \$1,000 or both.)
- Penal Code section 422.6(a):** Provides it is a crime to interfere by force or threat of force with a person's constitutional rights because of a person's actual or perceived race, color, religion, ancestry, national origin, gender, disability or sexual orientation. (Penalty: up to one year in jail or \$5,000 fine or both.)
- Penal Code section 422.6(b):** Provides it is a crime to damage a person's property because of his/her actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation. (Penalty: up to one year in jail or \$5,000 fine or both.)
- Penal Code section 422.7:** Enhances penalties for crimes (except those punished under Penal Code section 422.6) committed against persons or their property because of a person's actual or perceived race, color, religion, ancestry, national origin, disability, gender or sexual orientation.

(Penalty: up to one year in State prison or county jail or \$10,000 fine or both.)

Penal Code section 422.75(a): Provides enhanced penalties for felonies committed because of a person's actual or perceived race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation.

Penal Code section 422.75(b): Provides enhanced penalties for felonies or attempted felonies against the property of a public agency or private institution, place of worship or offices of an advocacy group because the property is defined as or associated with a person or group of an identifiable race, color, religion, nationality, country of origin, ancestry, disability, gender or sexual orientation.

Penal Code section 422.8: Provides that nothing in section 422.6 or 422.7 prevents or limits the prosecution of any person.

Penal Code section 422.9(a): Provides it is a misdemeanor punishable by up to six months in jail or \$1,000 or both to violate an order issued pursuant to Civil Code section 52.1(a) or (b).

Penal Code section 422.9(b): Provides up to one year in jail for a person previously convicted of violating an order issued pursuant to Civil Code section 52.1(a) or (b), who is brought and tried on separate charges.

Penal Code section 422.9(c): Provides that county prosecuting agencies have the primary responsibility for enforcing orders issued pursuant to Civil Code section 52.1.

Penal Code section 594.3(a): Provides it is a crime to knowingly vandalize a place of worship or a building owned and occupied by a religious educational institution or a cemetery. (Penalty: imprisonment in county jail or State prison for up to one year.)

Penal Code section 594.3(b): Provides it is a felony to knowingly vandalize a place of worship or building owned and occupied by a religious educational institution or a cemetery because of race, color, religion or national origin. (Penalty: imprisonment in State prison.)

Penal Code section 1170.75: Provides additional punishment for felonies committed because of a victim's actual or perceived race, color, religion, nationality or country of origin.